

JAN. 17. 2014 4:53PM

NO. 2429 P. 1/38

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ATTORNEYS

Fax

To:	Company:	Phone No.:	Fax No.:
Carlos L. Guerra/David A. Lumber	Guerra Law Group	956-618-3000	956-686-4200
Thomas W. Pirtle	Laminack, Pirtle & Martines, LLP	713-292-2740	713-292-2755
Williams W. Lundquist Clayton A. Clark/Scott A. Love	Clark, Love & Hutson, G.P.	713-757-1400	713-759-1217
Sam A. Houston	Shepherd, Scott, Clawwater & Houston, LLP	713-650-6600	713-650-1720

From: Jane E. Bockus

Direct Dial: 210.554.5549

Date: January 17, 2014

Requested By: Karen Evans

No. of Pages: (38) (including cover page)

Client/Matter No.: 34891.7

Message: Cause No. C-0362-13-B, *Maria Rosalinda Garza, et al v. Luis Alberto Ramirez, M.D., et al* See attached:

1. Letter to Dr. Medina and Defendant, American Medical Systems, Inc.'s Notice of Oral and Videotaped Deposition of Bertha Medina, M.D. with Subpoena Duces Tecum;
2. Letter to Dr. Griego and Defendant, American Medical Systems, Inc.'s Notice of Oral and Videotaped Deposition of Enrique J. Griego, M.D. with Subpoena Duces Tecum;
3. Letter to Dr. Bowman and Defendant, American Medical Systems, Inc.'s Notice of Oral and Videotaped Deposition of Melissa Bowman, M.D. with Subpoena Duces Tecum;
4. Letter to Dr. Takei and Defendant, American Medical Systems, Inc.'s Notice of Oral and Videotaped Deposition of Hidehiro Takei, M.D. with Subpoena Duces Tecum;
5. Letter to Dr. Abdelsayed and Defendant, American Medical Systems, Inc.'s Notice of Oral and Videotaped Deposition of Magdy Abdelsayed, M.D. with Subpoena Duces Tecum;
6. Letter to William Lundquist and Defendant, American Medical Systems, Inc.'s Notice of Oral and Videotaped Deposition of Michel Seiba, M.D. with Subpoena Duces Tecum;

Original will not follow.

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210 554

EXHIBIT

D

AUSTIN DALLAS EL PASO MCALLEN SAN ANTONIO

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AUSTIN 404 571 EL PASO MCALLEN SAN ANTONIO

JAN. 17. 2014 4:54PM

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ATTORNEYS

January 17, 2014

Jane E. Bockus

Via Facsimile and Email

jbockus@coxsmith.com

210.554.5549

William W Lundquist
Clayton A. Clark
Scott A. Love
W. Michael Moreland
Clark, Love & Hutson, G.P.
440 Louisiana Street, Suite 1600
Houston, Texas 77002

Re: *Maria Rosalinda Garza, et al v. Luis Alberto Ramirez, M.D., et al,*
Maria Salinas v. Luis Alberto Ramirez, M.D., et al,
Cause No. C-0362-13-B, In the 93rd Judicial District Court, Hidalgo County, Texas

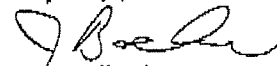
Dear Will:

Enclosed please find a notice for the deposition of Michael Seiba, M.D. in the above referenced matter. This notice is in follow-up to our request to you on Monday, January 13th for a date for the deposition of Dr. Seiba. In light of the fact that he has served as an expert for you in this matter, I am noticing his deposition through you, rather than contacting the doctor's office directly.

If this time and date do not work for you and the doctor, please provide me with times and dates that do work.

Thank you for your cooperation in this regard. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Jane E. Bockus

JEB:kwe

Enclosure

cc: Carlos L. Guerra/David J. Lumber (w/enclosure) – *Via Facsimile and Email*
Thomas W. Pirtle (w/enclosure) – *Via Facsimile and Email*
Sam A. Houston (w/enclosure) – *Via Facsimile and Email*

5073486.1

AUSTIN DALLAS EL PASO MCALLEN SAN ANTONIO

COX SMITH MATTHEWS INCORPORATED
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San Antonio, TX 78205
210 554 5500 tel | 210 226 8395 fax
COXSMITH.COM

CAUSE NO. C-0362-13-B

MARIA ROSALINDA GARZA and
SERGIO GARZA, ET AL

Plaintiffs,

V.

**LUIS ALBERTO RAMIREZ, M.D., LUIS,
ALBERTO RAMIREZ, M.D., P.A., and
AMERICAN MEDICAL SYSTEMS, INC.,**

Defendants.

2025 2024 2023 2022 2021 2020 2019 2018 2017 2016 2015 2014 2013 2012 2011 2010 2009 2008 2007 2006 2005 2004 2003 2002 2001 2000 1999 1998 1997 1996 1995 1994 1993 1992 1991 1990 1989 1988 1987 1986 1985 1984 1983 1982 1981 1980 1979 1978 1977 1976 1975 1974 1973 1972 1971 1970 1969 1968 1967 1966 1965 1964 1963 1962 1961 1960 1959 1958 1957 1956 1955 1954 1953 1952 1951 1950 1949 1948 1947 1946 1945 1944 1943 1942 1941 1940 1939 1938 1937 1936 1935 1934 1933 1932 1931 1930 1929 1928 1927 1926 1925 1924 1923 1922 1921 1920 1919 1918 1917 1916 1915 1914 1913 1912 1911 1910 1909 1908 1907 1906 1905 1904 1903 1902 1901 1900 1899 1898 1897 1896 1895 1894 1893 1892 1891 1890 1889 1888 1887 1886 1885 1884 1883 1882 1881 1880 1879 1878 1877 1876 1875 1874 1873 1872 1871 1870 1869 1868 1867 1866 1865 1864 1863 1862 1861 1860 1859 1858 1857 1856 1855 1854 1853 1852 1851 1850 1849 1848 1847 1846 1845 1844 1843 1842 1841 1840 1839 1838 1837 1836 1835 1834 1833 1832 1831 1830 1829 1828 1827 1826 1825 1824 1823 1822 1821 1820 1819 1818 1817 1816 1815 1814 1813 1812 1811 1810 1809 1808 1807 1806 1805 1804 1803 1802 1801 1800 1799 1798 1797 1796 1795 1794 1793 1792 1791 1790 1789 1788 1787 1786 1785 1784 1783 1782 1781 1780 1779 1778 1777 1776 1775 1774 1773 1772 1771 1770 1769 1768 1767 1766 1765 1764 1763 1762 1761 1760 1759 1758 1757 1756 1755 1754 1753 1752 1751 1750 1749 1748 1747 1746 1745 1744 1743 1742 1741 1740 1739 1738 1737 1736 1735 1734 1733 1732 1731 1730 1729 1728 1727 1726 1725 1724 1723 1722 1721 1720 1719 1718 1717 1716 1715 1714 1713 1712 1711 1710 1709 1708 1707 1706 1705 1704 1703 1702 1701 1700 1699 1698 1697 1696 1695 1694 1693 1692 1691 1690 1689 1688 1687 1686 1685 1684 1683 1682 1681 1680 1679 1678 1677 1676 1675 1674 1673 1672 1671 1670 1669 1668 1667 1666 1665 1664 1663 1662 1661 1660 1659 1658 1657 1656 1655 1654 1653 1652 1651 1650 1649 1648 1647 1646 1645 1644 1643 1642 1641 1640 1639 1638 1637 1636 1635 1634 1633 1632 1631 1630 1629 1628 1627 1626 1625 1624 1623 1622 1621 1620 1619 1618 1617 1616 1615 1614 1613 1612 1611 1610 1609 1608 1607 1606 1605 1604 1603 1602 1601 1600 1599 1598 1597 1596 1595 1594 1593 1592 1591 1590 1589 1588 1587 1586 1585 1584 1583 1582 1581 1580 1579 1578 1577 1576 1575 1574 1573 1572 1571 1570 1569 1568 1567 1566 1565 1564 1563 1562 1561 1560 1559 1558 1557 1556 1555 1554 1553 1552 1551 1550 1549 1548 1547 1546 1545 1544 1543 1542 1541 1540 1539 1538 1537 1536 1535 1534 1533 1532 1531 1530 1529 1528 1527 1526 1525 1524 1523 1522 1521 1520 1519 1518 1517 1516 1515 1514 1513 1512 1511 1510 1509 1508 1507 1506 1505 1504 1503 1502 1501 1500 1499 1498 1497 1496 1495 1494 1493 1492 1491 1490 1489 1488 1487 1486 1485 1484 1483 1482 1481 1480 1479 1478 1477 1476 1475 1474 1473 1472 1471 1470 1469 1468 1467 1466 1465 1464 1463 1462 1461 1460 1459 1458 1457 1456 1455 1454 1453 1452 1451 1450 1449 1448 1447 1446 1445 1444 1443 1442 1441 1440 1439 1438 1437 1436 1435 1434 1433 1432 1431 1430 1429 1428 1427 1426 1425 1424 1423 1422 1421 1420 1419 1418 1417 1416 1415 1414 1413 1412 1411 1410 1409 1408 1407 1406 1405 1404 1403 1402 1401 1400 1399 1398 1397 1396 1395 1394 1393 1392 1391 1390 1389 1388 1387 1386 1385 1384 1383 1382 1381 1380 1379 1378 1377 1376 1375 1374 1373 1372 1371 1370 1369 1368 1367 1366 1365 1364 1363 1362 1361 1360 1359 1358 1357 1356 1355 1354 1353 1352 1351 1350 1349 1348 1347 1346 1345 1344 1343 1342 1341 1340 1339 1338 1337 1336 1335 1334 1333 1332 1331 1330 1329 1328 1327 1326 1325 1324 1323 1322 1321 1320 1319 1318 1317 1316 1315 1314 1313 1312 1311 1310 1309 1308 1307 1306 1305 1304 1303 1302 1301 1300 1299 1298 1297 1296 1295 1294 1293 1292 1291 1290 1289 1288 1287 1286 1285 1284 1283 1282 1281 1280 1279 1278 1277 1276 1275 1274 1273 1272 1271 1270 1269 1268 1267 1266 1265 1264 1263 1262 1261 1260 1259 1258 1257 1256 1255 1254 1253 1252 1251 1250 1249 1248 1247 1246 1245 1244 1243 1242 1241 1240 1239 1238 1237 1236 1235 1234 1233 1232 1231 1230 1229 1228 1227 1226 1225 1224 1223 1222 1221 1220 1219 1218 1217 1216 1215 1214 1213 1212 1211 1210 1209 1208 1207

IN THE DISTRICT COURT

93rd JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

DEFENDANT, AMERICAN MEDICAL SYSTEMS, INC.'S
NOTICE OF ORAL AND VIDEOTAPED DEPOSITION
OF MICHAEL SEIBA, M.D., WITH SUBPOENA DUCES TECUM

TO: Michael Seiba, M.D., 2717 Cornerstone Boulevard, Edinburg, TX 78539; c/o Counsel
for Plaintiffs, William W. Lundquist, Clayton A. Clark, Scott A. Love, W. Michael
Moreland, Clark, Love & Hutson, G.P., 440 Louisiana Street, Suite 1600, Houston, Texas
77002

Please take notice that, pursuant to Texas Rules of Civil Procedure 199.1 and 199.2, Defendant AMERICAN MEDICAL SYSTEMS, INC. ("AMS"), by and through its counsel, will take the oral and videotaped deposition of Michael Seiba, MD on Wednesday, February 19, 2014, beginning at 1:00 p.m., and continuing thereafter from day to day until completed. The deposition will be taken at the office of Michael Seiba, M.D. 2717 Cornerstone Boulevard, Edinburg, TX 78539 or at a location to be determined before a certified and duly authorized court reporter, and such deposition may be used based upon the trial of contested issues in this action. The deposition will be videotaped.

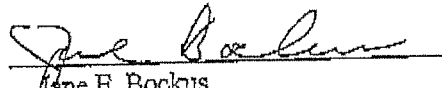
The witness is hereby instructed to produce, at the time and place of the taking of this deposition, certain documents designated in Exhibit A attached hereto, and to permit AMS, or

JAN. 17. 2014 4:54PM

NO. 2429 P. 5/38

someone acting on its behalf, to inspect, photograph, and copy them. All parties are invited to attend and cross-examine.

Respectfully submitted,

By: 
Jane E. Bockus
State Bar No. 02541700

COX SMITH MATTHEWS INCORPORATED
Weston Centre
112 E. Pecan Street, Suite 1800
San Antonio, Texas 78205-1521
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Michael D. Napoli
State Bar No. 14803400

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Brent Bishop
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R.D. "Bobby" Guerra
State Bar No. 08578640
GUERRA, LEEDS, SABO & HERNANDEZ, PLLC

JAN. 17. 2014 4:55PM

NO. 2429 P. 6/38

10213 N. 10th Street
McAllen, Texas 78504
(956) 383-4300
(956) 383-4304 (Fax)

Julie Hardin
State Bar No. 24013613
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Houston, TX 77002
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jhardin@reedsmith.com

Barbara R. Binis
PA Bar #62359
REED SMITH LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301
(215) 241-7948 (Telephone)
bbinis@reedsmith.com

COUNSEL FOR DEFENDANT
AMERICAN MEDICAL SYSTEMS, INC.

JAN. 17. 2014 4:55PM

NO. 2429 P. 7/38

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record listed below on this 17th day of January, 2014.

Via Facsimile and E-mail

Carlos L. Guerra
David J. Lumber
Guerra Law Group
4201 North McColl
McAllen, Texas 78504
COUNSEL FOR PLAINTIFFS

Via Facsimile and E-mail

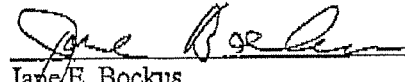
Thomas W. Pirtle
Laminack, Pirtle, & Martinez, LLP
5020 Montrose Blvd., 9th Floor
Houston, Texas 77006-6533
COUNSEL FOR PLAINTIFFS

Via Facsimile and E-mail

William W. Lundquist
Clayton A. Clark
Scott A. Love
W. Michael Moreland
Clark, Love & Hutson, G. P.
440 Louisiana Street, Suite 1600
Houston, Texas 77002
COUNSEL FOR PLAINTIFFS

Via Facsimile and Email

Sam A. Houston
Shepherd, Scott, Clawwater & Houston, LLP
2777 Allen Parkway, Suite 700
Houston, TX 77019
**COUNSEL FOR DEFENDANTS,
LUIS ALBERTO RAMIREZ, M.D., LUIS
ALBERTO RAMIREZ, M.D., P.A.**



Jane E. Bockus

JAN. 17. 2014 4:55PM

NO. 2429 P. 8/38

EXHIBIT A

SUBPOENA DUCES TECUM

1. A copy of your current Curriculum Vitae.
2. Your complete medical records regarding the plaintiff Maria Rosalinda Garza, including billing records.
3. Any and all electronic or other communication with Maria Rosalinda Garza, or anyone acting on her behalf, including her attorneys and representatives.
4. Any and all materials including, but not limited to, documents, correspondence, statements, transcripts, payments, billing records or records provided by Maria Rosalinda Garza, or anyone acting on her behalf, including her attorneys and representatives.
5. Your complete medical records regarding the plaintiff Maria M. Salinas, including billing records.
6. Any and all electronic or other communication with Maria M. Salinas, or anyone acting on her behalf, including her attorneys and representatives.
7. Any and all materials including, but not limited to, documents, correspondence, statements, transcripts, payments, billing records or records provided by Maria M. Salinas, or anyone acting on her behalf, including her attorneys and representatives

JAN. 17. 2014 4:56PM

NO. 2429 P. 9/38

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ATTORNEYS

January 17, 2014

Jane E. Bockus

Via Certified Mail/RRR

jbockus@coxsmith.com

210.554.5548

Bertha Medina, M.D.
721 Savannah Ave.
McAllen, Texas 78503

Re: *Maria Rosalinda Garza, et al v. Luis Alberto Ramirez, M.D., et al,*
Maria Salinas v. Luis Alberto Ramirez, M.D., et al,
Cause No. C-0362-13-B, In the 93rd Judicial District Court, Hidalgo County, Texas

Dear Dr. Medina:

We represent Defendant, American Medical Systems, Inc. in the above referenced matter. We have been attempting to schedule your deposition and have been unable to confirm a date for same. With the trial of this matter rapidly approaching, March 3, 2014, we have issued the enclosed "placeholder" notice for your deposition. If this date is not convenient for you, please contact my assistant, Barbara Stetler, at (210) 554-5547 to arrange a convenient date.

Thank you for your cooperation in this regard. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Jane E. Bockus

JEB:kwe

Enclosure

cc: Carlos L. Guerra/David J. Lumber (w/enclosure) – **Via Facsimile and Email**
William W. Lundquist/Clayton A. Clark/Scott A. Love/W. W. Michael Moreland
(w/enclosure) – **Via Facsimile and Email**
Thomas W. Pirtle (w/enclosure) – **Via Facsimile and Email**
Sam A. Houston (w/enclosure) – **Via Facsimile and Email**

5073469.1

AUSTIN DALLAS EL PASO MCALLEN SAN ANTONIO

COX SMITH MATTHEWS INCORPORATED
112 East Pecan Street | Suite 1800
San Antonio, TX 78205
210 554 5500 tel | 210 226 8585 fax
COXSMITH.COM

CAUSE NO. C-0362-13-B

MARIA ROSALINDA GARZA and
SERGIO GARZA, ET AL

Plaintiffs,

 ∇_E

**LUIS ALBERTO RAMIREZ, M.D., LUIS,
ALBERTO RAMIREZ, M.D., P.A., and
AMERICAN MEDICAL SYSTEMS, INC.,**

Defendants.

~~~~~

IN THE DISTRICT COURT

93<sup>rd</sup> JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

DEFENDANT, AMERICAN MEDICAL SYSTEMS, INC.'S  
NOTICE OF ORAL AND VIDEOTAPED DEPOSITION  
OF BERTHA MEDINA, M.D., WITH SUBPOENA DUCES TECUM

TO: Bertha Medina, M.D., 721 Savannah Ave., McAllen, TX 78503:

Please take notice that, pursuant to Texas Rules of Civil Procedure 199.1 and 199.2, Defendant AMERICAN MEDICAL SYSTEMS, INC. ("AMS"), by and through its counsel, will take the oral and videotaped deposition of Bertha Medina, MD on Tuesday, February 18, 2014, beginning at 1:00 p.m., and continuing thereafter from day to day until completed. The deposition will be taken at the office of Bertha Medina, M.D. 721 Savannah Ave., McAllen, TX 78503, or at a location to be determined before a certified and duly authorized court reporter, and such deposition may be used based upon the trial of contested issues in this action. The deposition will be videotaped.

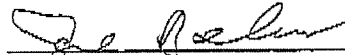
The witness is hereby instructed to produce, at the time and place of the taking of this deposition, certain documents designated in Exhibit A attached hereto, and to permit AMS, or someone acting on its behalf, to inspect, photograph, and copy them. All parties are invited to attend and cross-examine.

JAN. 17. 2014 4:56PM

NO. 2429 P. 11/38

Respectfully submitted,

By:



Jane E. Bockus

State Bar No. 02541700

**COX SMITH MATTHEWS INCORPORATED**

Weston Centre

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Sandra C. Zamora

State Bar No. 22243950

Michael D. Napoli

State Bar No. 14803400

**COX SMITH MATTHEWS INCORPORATED**

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Brent Bishop

State Bar No. 00796211

**COX SMITH MATTHEWS INCORPORATED**

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(956) 984-7499 (Fax)

bbishop@coxsmith.com

R.D. "Bobby" Guerra

State Bar No. 08578640

**GUERRA, LEEDS, SABO & HERNANDEZ, PLLC**

10213 N. 10<sup>th</sup> Street

McAllen, Texas 78504

(956) 383-4300

(956) 383-4304 (Fax)

JAN. 17. 2014 4:57PM

NO. 2429 P. 12/38

Julie Hardin  
State Bar No. 24013613  
**REED SMITH LLP**  
811 Main Street - Suite 1700  
Houston, TX 77002  
(713) 469-3813 (Telephone)  
jhardin@reedsmith.com

Barbara R. Binis  
PA Bar #62359  
**REED SMITH LLP**  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
(215) 241-7948 (Telephone)  
bbinis@reedsmith.com

COUNSEL FOR DEFENDANT  
AMERICAN MEDICAL SYSTEMS, INC.

JAN. 17. 2014 4:57PM

NO. 2429 P. 13/38

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record listed below on this 17<sup>th</sup> day of January, 2014.

**Via Facsimile and E-mail**

Carlos L. Guerra  
David J. Lumber  
Guerra Law Group  
4201 North McColl  
McAllen, Texas 78504  
**COUNSEL FOR PLAINTIFFS**

**Via Facsimile and E-mail**

William W. Lundquist  
Clayton A. Clark  
Scott A Love  
W. Michael Moreland  
Clark, Love & Hutson, G. P.  
440 Louisiana Street, Suite 1600<sup>a</sup>  
Houston, Texas 77002  
**COUNSEL FOR PLAINTIFFS**

**Via Facsimile and E-mail**

Thomas W. Pirtle  
Laminack, Pirtle, & Martines, LLP  
5020 Montrose Blvd., 9<sup>th</sup> Floor  
Houston, Texas 77006-6533  
**COUNSEL FOR PLAINTIFFS**

**Via Facsimile and Email**

Sam A. Houston  
Shepherd, Scott, Clawwater & Houston, LLP  
2777 Allen Parkway, Suite 700  
Houston, TX 77019  
**COUNSEL FOR DEFENDANTS,**  
**LUIS ALBERTO RAMIREZ, M.D., LUIS**  
**ALBERTO RAMIREZ, M.D., P.A.**

  
\_\_\_\_\_  
Jane H. Bockus

JAN. 17. 2014 4:57PM

NO. 2429 P. 14/38

**EXHIBIT A**

**SUBPOENA DUCES TECUM**

1. A copy of your current Curriculum Vitae.
2. Your complete medical records regarding the plaintiff Maria Rosalinda Garza, including billing records.
3. Any and all electronic or other communication with Maria Rosalinda Garza, or anyone acting on her behalf, including her attorneys and representatives.
4. Any and all materials including, but not limited to, documents, correspondence, statements, transcripts, payments, billing records or records provided by Maria Rosalinda Garza, or anyone acting on her behalf, including her attorneys and representatives.

JAN. 17. 2014 4:58PM

NO. 2429 P. 15/38

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ATTORNEYS

January 17, 2014

Jane E. Bockus

*Via Certified Mail/RRR*

jbockus@coxsmith.com

210.554.5549

Enrique J. Griego, M.D.  
1900 S. Jackson Rd.,  
McAllen, Texas 78503

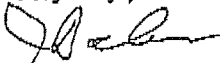
Re: *Maria Rosalinda Garza, et al v. Luis Alberto Ramirez, M.D., et al,*  
*Maria Salinas v. Luis Alberto Ramirez, M.D., et al,*  
Cause No. C-0362-13-B, In the 93rd Judicial District Court, Hidalgo County, Texas

Dear Dr. Griego:

We represent Defendant, American Medical Systems, Inc. in the above referenced matter. We have been attempting to schedule your deposition and have been unable to confirm a date for same. With the trial of this matter rapidly approaching, March 3, 2014, we have issued the enclosed "placeholder" notice for your deposition. If this date is not convenient for you, please contact my assistant, Barbara Stetler, at (210) 554-5547 to arrange a convenient date.

Thank you for your cooperation in this regard. If you have any questions, please do not hesitate to contact me.

Very truly yours,

  
Jane E. Bockus

JEB:kwe

Enclosure

cc: Carlos L. Guerra/David J. Lumber (w/enclosure) – *Via Facsimile and Email*  
William W. Lundquist/Clayton A. Clark/Scott A. Love/W. W. Michael Moreland  
(w/enclosure) – *Via Facsimile and Email*  
Thomas W. Pirtle (w/enclosure) – *Via Facsimile and Email*  
Sam A. Houston (w/enclosure) – *Via Facsimile and Email*

5073418.1

AUSTIN DALLAS EL PASO MCALLEN SAN ANTONIO

COX SMITH MATTHEWS INCORPORATED  
112 East Pecan Street | Suite 1800  
San Antonio, TX 78205  
210 554 5500 tel | 210 226 8395 fax  
COXSMITH.COM

NO. 2429 P. 16/38

CAUSE NO. C-0362-13-B

MARIA ROSALINDA GARZA and  
SERGIO GARZA, ET AL

Plaintiffs,

V.

**LUIS ALBERTO RAMIREZ, M.D., LUIS,  
ALBERTO RAMIREZ, M.D., P.A., and  
AMERICAN MEDICAL SYSTEMS, INC.,**

**Defendants.**

~~~~~

IN THE DISTRICT COURT

93rd JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

DEFENDANT, AMERICAN MEDICAL SYSTEMS, INC.'S
NOTICE OF ORAL AND VIDEOTAPED DEPOSITION
OF ENRIQUE J. GRIEGO, M.D., WITH SUBPOENA DUCES TECUM

TO: Enrique J. Griego, M.D., 1900 S. Jackson Rd, McAllen, TX 78503:

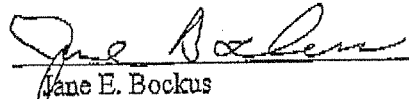
Please take notice that, pursuant to Texas Rules of Civil Procedure 199.1 and 199.2, Defendant AMERICAN MEDICAL SYSTEMS, INC. ("AMS"), by and through its counsel, will take the oral and videotaped deposition of Enrique Griego, MD on Tuesday, February 18, 2014, beginning at 9:00 a.m., and continuing thereafter from day to day until completed. The deposition will be taken at the office of Enrique J. Griego, M.D. 1900 S. Jackson Rd, McAllen, TX 78503, or at a location to be determined before a certified and duly authorized court reporter, and such deposition may be used based upon the trial of contested issues in this action. The deposition will be videotaped.

The witness is hereby instructed to produce, at the time and place of the taking of this deposition, certain documents designated in Exhibit A attached hereto, and to permit AMS, or someone acting on its behalf, to inspect, photograph, and copy them. All parties are invited to attend and cross-examine.

JAN. 17. 2014 4:58PM

NO. 2429 P. 17/38

Respectfully submitted,

By: 
Jane E. Bockus
State Bar No. 02541700

COX SMITH MATTHEWS INCORPORATED
Weston Centre
112 E. Pecan Street, Suite 1800
San Antonio, Texas 78205-1521
(210) 554-5500
(210) 226-8395 (Fax)
jbockus@coxsmith.com

Sandra C. Zamora
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Michael D. Napoli
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mnapoli@coxsmith.com
szamora@coxsmith.com

Brent Bishop
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10213 N. 10th Street
McAllen, Texas 78504
(956) 383-4300
(956) 383-4304 (Fax)

JAN. 17. 2014 4:59PM

NO. 2429 P. 18/38

Julie Hardin
State Bar No. 24013613
REED SMITH LLP
811 Main Street - Suite 1700
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Barbara R. Binis
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REED SMITH LLP
2500 One Liberty Place
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(215) 241-7948 (Telephone)
bbinis@reedsmith.com

COUNSEL FOR DEFENDANT
AMERICAN MEDICAL SYSTEMS, INC.

JAN. 17. 2014 4:59PM

NO. 2429 P. 19/38

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record listed below on this 17th day of January, 2014.

Via Facsimile and E-mail

Carlos L. Guerra
David J. Lumber
Guerra Law Group
4201 North McColl
McAllen, Texas 78504
COUNSEL FOR PLAINTIFFS

Via Facsimile and E-mail


William W. Lundquist
Clayton A. Clark
Scott A. Love
W. Michael Moreland
Clark, Love & Hutson, G. P.
440 Louisiana Street, Suite 1600
Houston, Texas 77002
COUNSEL FOR PLAINTIFFS

Via Facsimile and E-mail

Thomas W. Pirtle
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Houston, Texas 77006-6533
COUNSEL FOR PLAINTIFFS

Via Facsimile and Email

Sam A. Houston
Shepherd, Scott, Clawwater & Houston, LLP
2777 Allen Parkway, Suite 700
Houston, TX 77019
COUNSEL FOR DEFENDANTS,
LUIS ALBERTO RAMIREZ, M.D., LUIS
ALBERTO RAMIREZ, M.D., P.A.



Jane E. Bockus

JAN. 17. 2014 4:59PM

NO. 2429 P. 20/38

EXHIBIT A

SUBPOENA DUCES TECUM

1. A copy of your current Curriculum Vitae.
2. Your complete medical records regarding the plaintiff Maria Rosalinda Garza, including billing records.
3. Any and all electronic or other communication with Maria Rosalinda Garza, or anyone acting on her behalf, including her attorneys and representatives.
4. Any and all materials including, but not limited to, documents, correspondence, statements, transcripts, payments, billing records or records provided by Maria Rosalinda Garza, or anyone acting on her behalf, including her attorneys and representatives.
5. Your complete medical records regarding the plaintiff Maria M. Salinas, including billing records.
6. Any and all electronic or other communication with Maria M. Salinas, or anyone acting on her behalf, including her attorneys and representatives.
7. Any and all materials including, but not limited to, documents, correspondence, statements, transcripts, payments, billing records or records provided by Maria M. Salinas, or anyone acting on her behalf, including her attorneys and representatives

JAN. 17. 2014 5:00PM

NO. 2429 P. 21/38

COX | SMITH

ATTORNEYS

January 17, 2014

Jane E. Bockus

Via Certified Mail/RRR

jbockus@coxsmith.com

210.554.5548

Melissa Bowman, M.D.
1140 Business Center Dr., Suite 370
Houston, Texas 77043

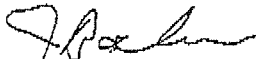
Re: *Maria Rosalinda Garza, et al v. Luis Alberto Ramirez, M.D., et al,*
Maria Salinas v. Luis Alberto Ramirez, M.D., et al,
Cause No. C-0362-13-B, In the 93rd Judicial District Court, Hidalgo County, Texas

Dear Dr. Bowman:

We represent Defendant, American Medical Systems, Inc. in the above referenced matter. We have been attempting to schedule your deposition and have been unable to confirm a date for same. With the trial of this matter rapidly approaching, March 3, 2014, we have issued the enclosed "placeholder" notice for your deposition. If this date is not convenient for you, please contact my assistant, Barbara Stetler, at (210) 554-5547 to arrange a convenient date.

Thank you for your cooperation in this regard. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Jane E. Bockus

JEB:kwe

Enclosure

cc: Carlos L. Guerra/David J. Lumber (w/enclosure) – ***Via Facsimile and Email***
William W. Lundquist/Clayton A. Clark/Scott A. Love/W. W. Michael Moreland
(w/enclosure) – ***Via Facsimile and Email***
Thomas W. Pirtle (w/enclosure) – ***Via Facsimile and Email***
Sam A. Houston (w/enclosure) – ***Via Facsimile and Email***

5073500.1

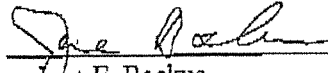
AUSTIN DALLAS EL PASO MCALLEN SAN ANTONIO

COX SMITH MATTHEWS INCORPORATED
112 East Pecan Street | Suite 1800
San Antonio, TX 78205
210 554 5500 tel | 210 226 8395 fax
COXSMITH.COM

JAN. 17. 2014 5:01PM

NO. 2429 P. 23/38

Respectfully submitted,

By: 
Jane E. Bockus
State Bar No. 02541700

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San Antonio, Texas 78205-1521
(210) 554-5500
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(214) 698-7899 (Fax)
mnapoli@coxsmith.com
szamora@coxsmith.com

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(956) 383-4304 (Fax)

Julie Hardin

JAN. 17. 2014 5:01PM

NO. 2429 P. 24/38

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(713) 469-3813 (Telephone)
jhardin@reedsmith.com

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(215) 241-7948 (Telephone)
bbinis@reedsmith.com

COUNSEL FOR DEFENDANT
AMERICAN MEDICAL SYSTEMS, INC.

JAN. 17. 2014 5:01PM

NO. 2429 P. 25/38

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record listed below on this 17th day of January, 2014.

Via Facsimile and E-mail

Carlos L. Guerra
David J. Lumber
Guerra Law Group
4201 North McColi
McAllen, Texas 78504
COUNSEL FOR PLAINTIFFS

Via Facsimile and E-mail

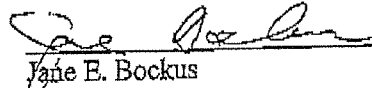
William W. Lundquist
Clayton A. Clark
Scott A Love
W. Michael Moreland
Clark, Love & Hutson, G. P.
440 Louisiana Street, Suite 1600
Houston, Texas 77002
COUNSEL FOR PLAINTIFFS

Via Facsimile and E-mail

Thomas W. Pirtle
Laminack, Pirtle, & Martinez, LLP
5020 Montrose Blvd., 9th Floor
Houston, Texas 77006-6533
COUNSEL FOR PLAINTIFFS

Via Facsimile and Email

Sam A. Houston
Shepherd, Scott, Clawwater & Houston, LLP
2777 Allen Parkway, Suite 700
Houston, TX 77019
**COUNSEL FOR DEFENDANTS,
LUIS ALBERTO RAMIREZ, M.D., LUIS
ALBERTO RAMIREZ, M.D., P.A.**


Jane E. Bockus

JAN. 17. 2014 5:01PM

NO. 2429 P. 26/38

EXHIBIT A

SUBPOENA DUCES TECUM

1. A copy of your current Curriculum Vitae.
2. Your complete medical records regarding the plaintiff Maria Rosalinda Garza, including billing records.
3. Any and all electronic or other communication with Maria Rosalinda Garza, or anyone acting on her behalf, including her attorneys and representatives.
4. Any and all materials including, but not limited to, documents, correspondence, statements, transcripts, payments, billing records or records provided by Maria Rosalinda Garza, or anyone acting on her behalf, including her attorneys and representatives.
5. Any instructions received by you regarding preserving or delivering pathology samples to Steelgate.

JAN. 17. 2014 5:02PM

NO. 2429 P. 27/38

COX | SMITH

ATTORNEYS

January 17, 2014

Jane E. Bockus

Via Certified Mail/RRR

jbockus@coxsmith.com

210.554.5549

Hidehiro Takei, M.D.
6565 Fannin St, Suite M227
Houston, Texas 77030

Re: *Maria Rosalinda Garza, et al v. Luis Alberto Ramirez, M.D., et al,*
Maria Salinas v. Luis Alberto Ramirez, M.D., et al,
Cause No. C-0362-13-B, In the 93rd Judicial District Court, Hidalgo County, Texas

Dear Dr. Takei:

We represent Defendant, American Medical Systems, Inc. in the above referenced matter. We have been attempting to schedule your deposition and have been unable to confirm a date for same. With the trial of this matter rapidly approaching, March 3, 2014, we have issued the enclosed "placeholder" notice for your deposition. If this date is not convenient for you, please contact my assistant, Barbara Stetler, at (210) 554-5547 to arrange a convenient date.

Thank you for your cooperation in this regard. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Jane E. Bockus

JEB:kwe

Enclosure

cc: Carlos L. Guerra/David J. Lumber (w/enclosure) – ***Via Facsimile and Email***
William W. Lundquist/Clayton A. Clark/Scott A. Love/W. W. Michael Moreland
(w/enclosure) – ***Via Facsimile and Email***
Thomas W. Pirtle (w/enclosure) – ***Via Facsimile and Email***
Sam A. Houston (w/enclosure) – ***Via Facsimile and Email***

5073495.1

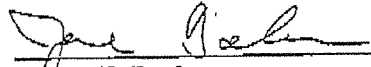
AUSTIN DALLAS EL PASO MCALLEN SAN ANTONIO

COX SMITH MATTHEWS INCORPORATED
112 East Pecan Street | Suite 1800
San Antonio, TX 78205
210 554 5500 tel | 210 226 8386 fax
coxsmith.com

JAN. 17. 2014 5:03PM

NO. 2429 P. 29/38

Respectfully submitted,

By: 
Jane E. Bockus
State Bar No. 02541700

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Julie Hardin

JAN. 17. 2014 5:03PM

NO. 2429 P. 30/38

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bbinis@reedsmith.com

COUNSEL FOR DEFENDANT
AMERICAN MEDICAL SYSTEMS, INC.

JAN. 17. 2014 5:03PM

NO. 2429 P. 31/38

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record listed below on this 17th day of January, 2014.

Via Facsimile and E-mail

Carlos L. Guerra
David J. Lumber
Guerra Law Group
4201 North McColl
McAllen, Texas 78504
COUNSEL FOR PLAINTIFFS

Via Facsimile and E-mail

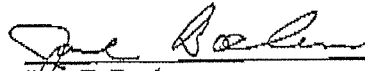
Thomas W. Pirtle
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5020 Montrose Blvd., 9th Floor
Houston, Texas 77006-6533
COUNSEL FOR PLAINTIFFS

Via Facsimile and E-mail

William W. Lundquist
Clayton A. Clark
Scott A Love
W. Michael Moreland
Clark, Love & Hutson, G. P.
440 Louisiana Street, Suite 1600
Houston, Texas 77002
COUNSEL FOR PLAINTIFFS

Via Facsimile and Email

Sam A. Houston
Shepherd, Scott, Clawwater & Houston, LLP
2777 Allen Parkway, Suite 700
Houston, TX 77019
**COUNSEL FOR DEFENDANTS,
LUIS ALBERTO RAMIREZ, M.D., LUIS
ALBERTO RAMIREZ, M.D., P.A.**



Jane E. Bockus

JAN. 17. 2014 5:03PM

NO. 2429 P. 32/38

EXHIBIT A

SUBPOENA DUCES TECUM

1. A copy of your current Curriculum Vitae.
2. Your complete medical records regarding the plaintiff Maria M. Salinas, including billing records.
3. Any and all electronic or other communication with Maria M. Salinas, or anyone acting on her behalf, including her attorneys and representatives.
4. Any and all materials including, but not limited to, documents, correspondence, statements, transcripts, payments, billing records or records provided by Maria M. Salinas, or anyone acting on her behalf, including her attorneys and representatives.
5. Any instructions received by you regarding preserving or delivering pathology samples to Steelgate.

JAN. 17. 2014 5:04PM

NO. 2429 P. 33/38

COX | SMITH

ATTORNEYS

January 17, 2014

Via Certified Mail/RRR

Magdy Abdelsayed, M.D.
4201 Garth Rd.
Baytown, Texas 77521

Jane E. Bockus

jbockus@coxsmith.com
210.554.5549

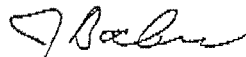
Re: *Maria Rosalinda Garza, et al v. Luis Alberto Ramirez, M.D., et al,*
Maria Salinas v. Luis Alberto Ramirez, M.D., et al,
Cause No. C-0362-13-B, In the 93rd Judicial District Court, Hidalgo County, Texas

Dear Dr. Abdelsayed:

We represent Defendant, American Medical Systems, Inc. in the above referenced matter. We have been attempting to schedule your deposition and have been unable to confirm a date for same. With the trial of this matter rapidly approaching, March 3, 2014, we have issued the enclosed "placeholder" notice for your deposition. If this date is not convenient for you, please contact my assistant, Barbara Stetler, at (210) 554-5547 to arrange a convenient date.

Thank you for your cooperation in this regard. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Jane E. Bockus

JEB:kwe
Enclosure

cc: Carlos L. Guerra/David J. Lumber (w/enclosure) -- *Via Facsimile and Email*
William W. Lundquist/Clayton A. Clark/Scott A. Love/W. W. Michael Moreland
(w/enclosure) - *Via Facsimile and Email*
Thomas W. Pirtle (w/enclosure) - *Via Facsimile and Email*
Sam A. Houston (w/enclosure) - *Via Facsimile and Email*

5073477.1

AUSTIN DALLAS EL PASO MCALLEN SAN ANTONIO


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112 East Pecan Street | Suite 1800
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COXSMITH.COM

www.elsevier.com/locate/jmb

JAN. 17. 2014 5:04PM

NO. 2429 P. 35/38

Respectfully submitted,

By: 
Jane E. Bockus
State Bar No. 02541700

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(210) 554-5500
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jbockus@coxsmith.com

Sandra C. Zamora
State Bar No. 22243950
Michael D. Napoli
State Bar No. 14803400
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R.D. "Bobby" Guerra
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10213 N. 10th Street
McAllen, Texas 78504
(956) 383-4300
(956) 383-4304 (Fax)

JAN. 17. 2014 5:05PM

NO. 2429 P. 36/38

Julie Hardin
State Bar No. 24013613
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Houston, TX 77002
(713) 469-3813 (Telephone)
jhardin@reedsmith.com

Barbara R. Binis
PA Bar #62359
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2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301
(215) 241-7948 (Telephone)
bbinis@reedsmith.com

COUNSEL FOR DEFENDANT
AMERICAN MEDICAL SYSTEMS, INC.

JAN. 17. 2014 5:05PM

NO. 2429 P. 37/38

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record listed below on this 17th day of January, 2014.

Via Facsimile and E-mail

Carlos L. Guerra
David J. Lumber
Guerra Law Group
4201 North McColi
McAllen, Texas 78504
COUNSEL FOR PLAINTIFFS

Via Facsimile and E-mail

Thomas W. Pirtle
Laminack, Pirtle, & Martines, LLP
5020 Montrose Blvd., 9th Floor
Houston, Texas 77006-6533
COUNSEL FOR PLAINTIFFS

Via Facsimile and E-mail

William W. Lundquist
Clayton A. Clark
Scott A Love
W. Michael Moreland
Clark, Love & Hutson, G. P.
440 Louisiana Street, Suite 1600
Houston, Texas 77002
COUNSEL FOR PLAINTIFFS

Via Facsimile and Email

Sam A. Houston
Shepherd, Scott, Clawwater & Houston, LLP
2777 Allen Parkway, Suite 700
Houston, TX 77019
**COUNSEL FOR DEFENDANTS,
LUIS ALBERTO RAMIREZ, M.D., LUIS
ALBERTO RAMIREZ, M.D., P.A.**



Jane E. Bockus

JAN. 17. 2014 5:05PM

NO. 2429 P. 38/38

EXHIBIT A

SUBPOENA DUCES TECUM

1. A copy of your current Curriculum Vitae.
2. Your complete medical records regarding the plaintiff Maria Rosalinda Garza, including billing records.
3. Any and all electronic or other communication with Maria Rosalinda Garza, or anyone acting on her behalf, including her attorneys and representatives.
4. Any and all materials including, but not limited to, documents, correspondence, statements, transcripts, payments, billing records or records provided by Maria Rosalinda Garza, or anyone acting on her behalf, including her attorneys and representatives.
5. Any instructions received by you regarding preserving or delivering pathology samples to Steelgate.

Jan. 20. 2014 8:58AM

No. 0588 P. 1

CAUSE NO: C-0362-12-B

GARZA, MARIA

V.

AMERICAN MEDICAL SYSTEMS, INC.

IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

93rd JUDICIAL DISTRICTNOTICE OF INTENTION
TO TAKE DEPOSITION BY WRITTEN QUESTIONS

To Garza, Maria by and through their attorney of record:

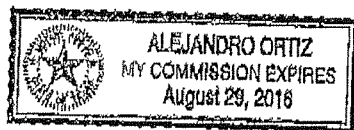
William Lundquist
Clark, Love & Hutson, GP
440 Louisiana, Suite 1600
Houston, TX 77002
Phone: 713-757-1400
Fax: 713-759-1217

You will please take notice that twenty (20) days from the service of a copy hereof with attached questions, a deposition by written questions will be issued to Custodian of Records for:

DOCTOR'S HOSPITAL AT RENAISSANCE
Pathology Records
5501 SOUTH MCCOLL ROAD
EDINBURG, TX 78539to be produced for MRC Fax (281) 498-9916
Attn: Record Retrieval
10114 West Sam Houston Parkway South, Suite 200, Houston, TX 77099

or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rule 200, Texas Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce any and all records as described on the attached questions and/or Exhibit(s) and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to: Garza, Maria and to turn all such records over to the officer so that photographic reproductions of the same may be made and attached to said deposition.

Respectfully Submitted,



Alejandro Ortiz
Notary Public, State of Texas
10114 West Sam Houston Parkway South, Suite 200
Houston, TX 77099
Phone: (713) 314-3661
Fax: (866) 611-7691

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all Counsel of Record by hand delivery, FAX, and/or certified mail, return receipt requested, on this day.

Dated: _____

By: _____

Request No. EP-AMSPM-P1-10001397633



Jan. 20. 2014 8:58AM

No. 0588 P. 2

CAUSE NO: C-0362-12-B

GARZA, MARIA)	IN THE DISTRICT COURT OF
)	
V.)	HIDALGO COUNTY, TEXAS
)	
AMERICAN MEDICAL SYSTEMS, INC.)	93rd JUDICIAL DISTRICT
)	

WAIVER OF NOTICE

Our client, Jane Bockus, Cox Smith, , has commissioned MRC to obtain records on Garza, Maria from the following custodian for use in the above referenced case.

DOCTOR'S HOSPITAL AT RENAISSANCE
Pathology Records
5501 SOUTH MCCOLL ROAD
EDINBURG, TX 78539

_____ I DO AGREE TO WAIVE THE NOTICE PERIOD.

_____ I DO NOT AGREE TO WAIVE THE NOTICE PERIOD.

Dated: _____

Signed

William Lundquist
Clark, Love & Hutson, GP
440 Louisiana, Suite 1600
Houston, TX 77002
Phone: 713-757-1400
Fax: 713-759-1217

Please Return To: **MRC**
10114 West Sam Houston Parkway South, Suite 200
Houston, TX 77099
Fax (281) 498-9916

Please note that a copy of records may be obtained by logging onto www.MRCrecords.com.

Jan. 20, 2014 8:58AM

No. 0588 P. 3

CAUSE NO: C-0362-12-B

GARZA, MARIA)	IN THE DISTRICT COURT OF
)	
V.)	HIDALGO COUNTY, TEXAS
)	
AMERICAN MEDICAL SYSTEMS, INC)	93 rd JUDICIAL DISTRICT
)	

DIRECT QUESTIONS TO BE PROFOUNDED TO THE WITNESS

Custodian of Records for: DOCTOR'S HOSPITAL AT RENAISSANCE

Records Pertaining To: Garza, Maria Garza, Maria

Type of Records: Requesting Pathology material (Mesh) from surgery performed on 12/7/2012. Any and all inpatient and outpatient pathology slides and blocks.

1. Please state your full name and occupation.

Answer: _____

2. Are you the custodian of records for the above-mentioned facility? If not, who is custodian of records for your employer? State their name and business address, including telephone number.

Answer: _____

3. Please state whether you have in your possession, custody, subject to your control or access to the records requested above pertaining to the above-named individual?

Answer: _____

4. Were these records kept in the regular course of business for your employer?

Answer: _____

5. Is it in the regular course of your business for an employee in your office, having knowledge of the acts recorded, to prepare the records or transmit the information included in the records?

Answer: _____

6. Were these records made at or near the time of the performance of the act recorded therein or reasonably soon thereafter?

Answer: _____

7. Does the source of information, and the method and circumstance of its preparation establish a trustworthiness of the records?

Answer: _____

8. Are the records attached hereto exact duplicates of the original records?

Answer: _____

Jan. 20. 2014 8:59AM

No. 0588 P. 4

9. Please tender at this time a complete copy of all documents and/or items requested by the subpoena to the Notary Public taking this deposition. If you are not able to tender the items at this time, why not?

Answer: _____

10. Are the records you have furnished in response to Questions No. 9 a complete and accurate copy of the requested original records?

Answer: _____

WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20_____.

NOTARY PUBLIC

My Commission Expires: _____

Jan. 20. 2014 8:59AM

No. 0588 P. 5

**HIPAA COMPLIANT AUTHORIZATION FOR THE RELEASE OF
PATHOLOGY MATERIALS PURSUANT TO 45 CFR 164.508**

TO: DOCTOR'S HOSPITAL AT RENAISSANCE
Name of Healthcare Provider/Physician/Facility
5501 South McColl Road
Address
Edinburg, TX 78539
City, State and Zip Code

RE: Patient Name: Maria Rosalinda Aguilar Garza
Date of Birth: 5/28/68 Social Security Number: 456-15-6082
Address: 9407 N Minnesota Rd
Mission, TX 78574

I authorize the disclosure of all protected information for the purpose of review and evaluation in connection with a legal claim. I expressly request that the designated records custodian of all covered entities under HIPAA identified above disclose full and complete protected medical information including the following:

Any and all pathology records including:

- a. Written reports
- b. Pathology records
- c. Gross material and tissue
- d. Microscopic slides
- e. Special stains
- f. Unstained tissue paraffin
- g. Epoxy or plastic blocks
- h. Recuts of uro-gynecological pathology

This protected health information is disclosed for the following purposes: My personal injury lawsuit filed in the United States District Court for the Southern District of West Virginia Civil Action No.

This authorization is given in compliance with the federal consent requirements for release of alcohol or substance abuse records of 42 CFR 2.31, the restrictions of which have been specifically considered and expressly waived.

Jan. 20, 2014 8:59AM

No. 0588 P. 6

You are authorized to release the above records to the following representatives of defendants in the above-entitled matter who have agreed to pay reasonable charges made by you to supply copies of such records:

Medical Research Consultants (MRC)
Name of Representative

Reed Smith LLP
Attorney for Defendants

10114 West Sam Houston Parkway South
Street Address

Houston, TX 77099
City, State and Zip Code

This authorization does not apply to psychotherapy notes, psychiatric or psychological records.

I acknowledge that I have the right to revoke this authorization, in writing, by sending written notification to you at the above referenced address. However, I understand that any actions already taken in reliance on this authorization cannot be reversed, and my revocation will not affect those actions. I acknowledge the potential for information disclosed pursuant to this authorization to be subject to redisclosure by the recipient and no longer be protected under 45 CFR 164.508.

I understand that the covered entity to whom this authorization is directed may not condition treatment, payment, enrollment or eligibility benefits on whether or not I sign the authorization.

Any facsimile, copy or photocopy of the authorization shall authorize you to release the records herein. This authorization shall be in force and effect until two years from date of execution at which time this authorization expires.

Maria Rosalinda Garza
Signature of Patient or Personal Representative

10-31-2013
Dated

Name of Patient or Personal Representative

Description of Personal Representative's Authority to Sign for Patient (attach documents which show authority)

Witness Signature

Dated

Jan. 20. 2014 9:00AM

No. 0588 P. 7

CHAIN OF CUSTODY FORM FOR PATHOLOGY SLIDES

Maria Garza v. American Medical Systems, INC.
Case No. DC-0362-12-B

ENTRY NO. 1

Received by (Name, Company/Organization, Address, and Telephone Number):

Doctor's Hospital at Renaissance
Att: Pathology - Elisa
5501 South McColl Road
Edinburg, TX 78539
Phone Number: 956-362-8677

Date:

Time:

Signature of Recipient _____

Item Description (include Slide Numbers and any other identifying marks):

(1) _____

(2) _____

(3) _____

Note any change of condition:

Name of Releasing Party

Date:

Time:

Signature of Releasing Party _____

Jan. 20, 2014 9:00AM

No. 0588 P. 8

CHAIN OF CUSTODY FORM FOR PATHOLOGY SLIDES

Maria Garza v. American Medical Systems, INC.

Case No. DC-0362-12-B

ENTRY NO. 2

Received by (Name, Company/Organization, Address, and Telephone Number):

Att: Debbie Ford
Reed Smith, LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103

Phone Number: 215-851-8100

Date:

Time:

Signature of Recipient _____

Item Description (include Slide Numbers and any other identifying marks):

(1) _____

(2) _____

(3) _____

Note any change of condition:

Name of Releasing Party

Date:

Time:

Signature of Releasing Party _____

Case 2:12-md-02325 Document 905 Filed 10/07/13 Page 1 of 15 PageID #: 12518

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: AMERICAN MEDICAL SYSTEMS, INC.,
PELVIC REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION

MDL No. 2325

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO -128)

On February 7, 2012, the Panel transferred 80 civil action(s) to the United States District Court for the Southern District of West Virginia for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See* 844 F.Supp.2d 1359 (J.P.M.L. 2012). Since that time, 959 additional action(s) have been transferred to the Southern District of West Virginia. With the consent of that court, all such actions have been assigned to the Honorable Joseph R Goodwin.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of West Virginia and assigned to Judge Goodwin.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. §1407 to the Southern District of West Virginia for the reasons stated in the order of February 7, 2012, and, with the consent of that court, assigned to the Honorable Joseph R Goodwin.

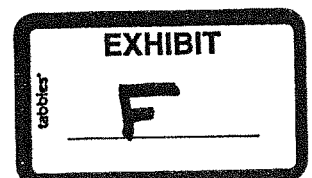
This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of West Virginia. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.
Oct 07, 2013
CLERK'S OFFICE UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel



**IN RE: AMERICAN MEDICAL SYSTEMS, INC.,
 PELVIC REPAIR SYSTEM PRODUCTS
 LIABILITY LITIGATION**

MDL No. 2325

SCHEDULE CTO-128 – TAG-ALONG ACTIONS

<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>CASE CAPTION</u>
NEVADA			
NV	2	13-01708	Robinson v. American Medical Systems, Inc. et al
NV	2	13-01709	Kolstad et al v. American Medical Systems, Inc. et al
NV	2	13-01711	Morer et al v. American Medical Systems, Inc. et al
NV	2	13-01716	Lennon et al v. American Medical Systems, Inc. et al
NV	2	13-01717	Kalodner et al v. American Medical Systems, Inc. et al
NV	2	13-01718	Blake et al v. American Medical Systems, Inc. et al
NV	2	13-01719	Regaldo v. American Medical Systems, Inc. et al
TEXAS SOUTHERN			
TXS	2	13-00274	Vega v. American Medical Systems, Inc. et al Opposed 10/4/13
TEXAS WESTERN			
TXW	5	13-00863	Chaffin, et al. v. American Medical Systems, Inc. et al

Activity in Case MDL No. 2325 IN RE: American Medical Systems, Inc., Pelvic Repair System
Products Liability Litigation CTO Final Minute Order (Clerks)
JPMLCMECF

to:

JPMLCMDECF

10/07/2013 08:24 AM

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United States

United States Judicial Panel on Multidistrict Litigation

Notice of Electronic Filing

The following transaction was entered on 10/7/2013 at 8:23 AM EDT and filed on 10/7/2013

Case Name: IN RE: American Medical Systems, Inc., Pelvic Repair System Products Liability
Litigation

Case Number: MDL No. 2325

Filer:

Document
Number: No document attached

Docket Text:

TEXT ONLY ENTRY

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Transfer Order (CTO-128)
Finalized on 10/07/13. Please see pleading ([1189] in MDL No. 2325, 3 in NV/2:13-cv-01708, 3 in NV/2:13-cv-01709, 3 in NV/2:13-cv-01711, 3 in NV/2:13-cv-01716, 3 in NV/2:13-cv-01717, 3 in NV/2:13-cv-01718, 3 in NV/2:13-cv-01719, 3 in TXW/5:13-cv-00863).

As stipulated in Rule 7.1(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, transmittal of the order has been stayed 7 days to give any party an opportunity to oppose the transfer.

The 7-day period has now elapsed, no opposition was received, and the order is directed to the Clerk of the United States District Court for the S.D. West Virginia for filing. The Panel governing statute, 28 U.S.C. 1407, requires that the transferee clerk transmit a certified copy of the Panel order to transfer to the clerk of the district court from which the action is being transferred.

Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Robinson v. American Medical Systems, Inc. et al

Case Number: NV/2:13-cv-01708
Filer:
Document Number: No document attached

Docket Text:
TEXT ONLY ENTRY

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Transfer Order (CTO-128)
Finalized on 10/07/13. Please see pleading ([1189] in MDL No. 2325, 3 in NV/2:13-cv-01708, 3 in NV/2:13-cv-01709, 3 in NV/2:13-cv-01711, 3 in NV/2:13-cv-01716, 3 in NV/2:13-cv-01717, 3 in NV/2:13-cv-01718, 3 in NV/2:13-cv-01719, 3 in TXW/5:13-cv-00863).

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Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Kalodner et al v. American Medical Systems, Inc. et al
Case Number: NV/2:13-cv-01717
Filer:
Document Number: No document attached

Docket Text:
TEXT ONLY ENTRY

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Transfer Order (CTO-128)
Finalized on 10/07/13. Please see pleading ([1189] in MDL No. 2325, 3 in NV/2:13-cv-01708, 3 in NV/2:13-cv-01709, 3 in NV/2:13-cv-01711, 3 in NV/2:13-cv-01716, 3 in NV/2:13-cv-01717, 3 in NV/2:13-cv-01718, 3 in NV/2:13-cv-01719, 3 in TXW/5:13-cv-00863).

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from which the action is being transferred.

Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Kolstad et al v. American Medical Systems, Inc. et al

Case Number: NV/2:13-cv-01709

Filer:

Document Number: No document attached

Docket Text:

TEXT ONLY ENTRY

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Transfer Order (CTO-128)
Finalized on 10/07/13. Please see pleading ([1189] in MDL No. 2325, 3 in NV/2:13-cv-01708, 3 in NV/2:13-cv-01709, 3 in NV/2:13-cv-01711, 3 in NV/2:13-cv-01716, 3 in NV/2:13-cv-01717, 3 in NV/2:13-cv-01718, 3 in NV/2:13-cv-01719, 3 in TXW/5:13-cv-00863).

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Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Chaffin, et al. v. American Medical Systems, Inc. et al

Case Number: TXW/5:13-cv-00863

Filer:

Document Number: No document attached

Docket Text:

TEXT ONLY ENTRY

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Transfer Order (CTO-128)
Finalized on 10/07/13. Please see pleading ([1189] in MDL No. 2325, 3 in NV/2:13-cv-01708, 3 in NV/2:13-cv-01709, 3 in NV/2:13-cv-01711, 3 in NV/2:13-cv-01716, 3 in NV/2:13-cv-01717, 3 in NV/2:13-cv-01718, 3 in NV/2:13-cv-01719, 3 in TXW/5:13-cv-00863).

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Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Lennon et al v. American Medical Systems, Inc. et al

Case Number: NV/2:13-cv-01716

Filer:

Document Number: No document attached

Docket Text:

TEXT ONLY ENTRY

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Transfer Order (CTO-128)
Finalized on 10/07/13. Please see pleading ([1189] in MDL No. 2325, 3 in NV/2:13-cv-01708, 3 in NV/2:13-cv-01709, 3 in NV/2:13-cv-01711, 3 in NV/2:13-cv-01716, 3 in NV/2:13-cv-01717, 3 in NV/2:13-cv-01718, 3 in NV/2:13-cv-01719, 3 in TXW/5:13-cv-00863).

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Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Regaldo v. American Medical Systems, Inc. et al

Case Number: NV/2:13-cv-01719

Filer:

Document Number: No document attached

Docket Text:

TEXT ONLY ENTRY

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Transfer Order (CTO-128)
Finalized on 10/07/13. Please see pleading ([1189] in MDL No. 2325, 3 in NV/2:13-cv-01708, 3 in NV/2:13-cv-01709, 3 in NV/2:13-cv-01711, 3 in NV/2:13-cv-01716, 3 in NV/2:13-cv-01717, 3 in NV/2:13-cv-01718, 3 in NV/2:13-cv-01719, 3 in TXW/5:13-cv-00863).

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Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Blake et al v. American Medical Systems, Inc. et al

Case Number: NV/2:13-cv-01718

Filer:

Document Number: No document attached

Docket Text:

TEXT ONLY ENTRY

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Transfer Order (CTO-128)
Finalized on 10/07/13. Please see pleading ([1189] in MDL No. 2325, 3 in NV/2:13-cv-01708, 3 in NV/2:13-cv-01709, 3 in NV/2:13-cv-01711, 3 in NV/2:13-cv-01716, 3 in NV/2:13-cv-01717, 3 in NV/2:13-cv-01718, 3 in NV/2:13-cv-01719, 3 in TXW/5:13-cv-00863).

As stipulated in Rule 7.1(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, transmittal of the order has been stayed 7 days to give any party an opportunity to oppose the transfer.

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Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Case 2:12-md-02325 Document 905 Filed 10/07/13 Page 8 of 15 PageID #: 12525

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Morer et al v. American Medical Systems, Inc. et al

Case Number: NV/2:13-cv-01711

Filer:

Document Number: No document attached

Docket Text:

TEXT ONLY ENTRY

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Transfer Order (CTO-128)
Finalized on 10/07/13. Please see pleading ([1189] in MDL No. 2325, 3 in NV/2:13-cv-01708, 3 in NV/2:13-cv-01709, 3 in NV/2:13-cv-01711, 3 in NV/2:13-cv-01716, 3 in NV/2:13-cv-01717, 3 in NV/2:13-cv-01718, 3 in NV/2:13-cv-01719, 3 in TXW/5:13-cv-00863).

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Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

No public notice (electronic or otherwise) sent because the entry is private

Activity in Case MDL No. 2325 IN RE: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation Conditional Transfer Order Finalized

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to:

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10/07/2013 08:23 AM

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NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

United States

United States Judicial Panel on Multidistrict Litigation

Notice of Electronic Filing

The following transaction was entered on 10/7/2013 at 8:21 AM EDT and filed on 10/7/2013

Case Name: IN RE: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation

Case Number: MDL No. 2325

Filer:

Document Number: 1189

Docket Text:

CONDITIONAL TRANSFER ORDER FINALIZED (CTO-128) - 8 action(s) re: pldg. ([1174] in MDL No. 2325, 1 in NV/2:13-cv-01708, 1 in NV/2:13-cv-01709, 1 in NV/2:13-cv-01711, 1 in NV/2:13-cv-01716, 1 in NV/2:13-cv-01717, 1 in NV/2:13-cv-01718, 1 in NV/2:13-cv-01719, 1 in TXW/5:13-cv-00863) Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Robinson v. American Medical Systems, Inc. et al

Case Number: NV/2:13-cv-01708

Filer:

Document Number: 3

Docket Text:

CONDITIONAL TRANSFER ORDER FINALIZED (CTO-128) - 8 action(s) re: pldg. ([1174] in

MDL No. 2325, 1 in NV/2:13-cv-01708, 1 in NV/2:13-cv-01709, 1 in NV/2:13-cv-01711, 1 in NV/2:13-cv-01716, 1 in NV/2:13-cv-01717, 1 in NV/2:13-cv-01718, 1 in NV/2:13-cv-01719, 1 in TXW/5:13-cv-00863) Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Kalodner et al v. American Medical Systems, Inc. et al

Case Number: NV/2:13-cv-01717

Filer:

Document Number: 3

Docket Text:

CONDITIONAL TRANSFER ORDER FINALIZED (CTO-128) - 8 action(s) re: pldg. ([1174] in MDL No. 2325, 1 in NV/2:13-cv-01708, 1 in NV/2:13-cv-01709, 1 in NV/2:13-cv-01711, 1 in NV/2:13-cv-01716, 1 in NV/2:13-cv-01717, 1 in NV/2:13-cv-01718, 1 in NV/2:13-cv-01719, 1 in TXW/5:13-cv-00863) Inasmuch as no objection is pending at this time, the stay is lifted.

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Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Kolstad et al v. American Medical Systems, Inc. et al

Case Number: NV/2:13-cv-01709

Filer:

Document Number: 3

Docket Text:

CONDITIONAL TRANSFER ORDER FINALIZED (CTO-128) - 8 action(s) re: pldg. ([1174] in MDL No. 2325, 1 in NV/2:13-cv-01708, 1 in NV/2:13-cv-01709, 1 in NV/2:13-cv-01711, 1 in NV/2:13-cv-01716, 1 in NV/2:13-cv-01717, 1 in NV/2:13-cv-01718, 1 in NV/2:13-cv-01719, 1 in TXW/5:13-cv-00863) Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Chaffin, et al. v. American Medical Systems, Inc. et al

Case Number: TXW/5:13-cv-00863

Filer:

Document Number: 3

Docket Text:

CONDITIONAL TRANSFER ORDER FINALIZED (CTO-128) - 8 action(s) re: pldg. ([1174] in MDL No. 2325, 1 in NV/2:13-cv-01708, 1 in NV/2:13-cv-01709, 1 in NV/2:13-cv-01711, 1 in NV/2:13-cv-01716, 1 in NV/2:13-cv-01717, 1 in NV/2:13-cv-01718, 1 in NV/2:13-cv-01719, 1 in TXW/5:13-cv-00863) Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Lennon et al v. American Medical Systems, Inc. et al

Case Number: NV/2:13-cv-01716

Filer:

Document Number: 3

Docket Text:

CONDITIONAL TRANSFER ORDER FINALIZED (CTO-128) - 8 action(s) re: pldg. ([1174] in MDL No. 2325, 1 in NV/2:13-cv-01708, 1 in NV/2:13-cv-01709, 1 in NV/2:13-cv-01711, 1 in NV/2:13-cv-01716, 1 in NV/2:13-cv-01717, 1 in NV/2:13-cv-01718, 1 in NV/2:13-cv-01719, 1 in TXW/5:13-cv-00863) Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Regaldo v. American Medical Systems, Inc. et al

Case Number: NV/2:13-cv-01719

Filer:

Document Number: 3

Docket Text:

CONDITIONAL TRANSFER ORDER FINALIZED (CTO-128) - 8 action(s) re: pldg. ([1174] in MDL No. 2325, 1 in NV/2:13-cv-01708, 1 in NV/2:13-cv-01709, 1 in NV/2:13-cv-01711, 1 in NV/2:13-cv-01716, 1 in NV/2:13-cv-01717, 1 in NV/2:13-cv-01718, 1 in NV/2:13-cv-01719, 1 in TXW/5:13-cv-00863) Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Blake et al v. American Medical Systems, Inc. et al

Case Number: NV/2:13-cv-01718

Filer:

Document Number: 3

Docket Text:

CONDITIONAL TRANSFER ORDER FINALIZED (CTO-128) - 8 action(s) re: *pldg. ([1174] in MDL No. 2325, 1 in NV/2:13-cv-01708, 1 in NV/2:13-cv-01709, 1 in NV/2:13-cv-01711, 1 in NV/2:13-cv-01716, 1 in NV/2:13-cv-01717, 1 in NV/2:13-cv-01718, 1 in NV/2:13-cv-01719, 1 in TXW/5:13-cv-00863)* Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

Case Name: Morer et al v. American Medical Systems, Inc. et al

Case Number: NV/2:13-cv-01711

Filer:

Document Number: 3

Docket Text:

CONDITIONAL TRANSFER ORDER FINALIZED (CTO-128) - 8 action(s) re: *pldg. ([1174] in MDL No. 2325, 1 in NV/2:13-cv-01708, 1 in NV/2:13-cv-01709, 1 in NV/2:13-cv-01711, 1 in NV/2:13-cv-01716, 1 in NV/2:13-cv-01717, 1 in NV/2:13-cv-01718, 1 in NV/2:13-cv-01719, 1 in TXW/5:13-cv-00863)* Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel Jeffery N. Luthi on 10/7/2013.

Associated Cases: MDL No. 2325, NV/2:13-cv-01708, NV/2:13-cv-01709, NV/2:13-cv-01711, NV/2:13-cv-01716, NV/2:13-cv-01717, NV/2:13-cv-01718, NV/2:13-cv-01719, TXW/5:13-cv-00863 (TL)

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NV/2:13-cv-01717 Notice will not be electronically mailed to:

NV/2:13-cv-01709 Notice has been electronically mailed to:

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NV/2:13-cv-01709 Notice will not be electronically mailed to:

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Case 2:12-md-02325 Document 905 Filed 10/07/13 Page 14 of 15 PageID #: 12531

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TXW/5:13-cv-00863 Notice will not be electronically mailed to:

NV/2:13-cv-01716 Notice has been electronically mailed to:

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NV/2:13-cv-01719 Notice will not be electronically mailed to:

NV/2:13-cv-01718 Notice has been electronically mailed to:

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NV/2:13-cv-01718 Notice will not be electronically mailed to:

NV/2:13-cv-01711 Notice has been electronically mailed to:

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NV/2:13-cv-01711 Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP JPMLStamp_ID=1090522767 [Date=10/7/2013] [FileNumber=414369-0]

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

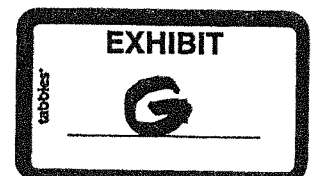
DOLLY CHAFFIN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 5:13-cv-863
)	
AMERICAN MEDICAL SYSTEMS, INC.,)	
AMERICAN MEDICAL SYSTEMS)	
HOLDINGS, INC., ENDO)	
PHARMACEUTICALS, INC., ENDO)	
PHARMACEUTICALS HOLDINGS, INC.,)	
and ENDO HEALTH SOLUTIONS, INC.)	
)	
Defendants.)	

NOTICE OF REMOVAL

AMERICAN MEDICAL SYSTEMS, INC., AMERICAN MEDICAL SYSTEMS HOLDINGS, INC., ENDO PHARMACEUTICALS, INC., and ENDO HEALTH SOLUTIONS INC., f/k/a ENDO PHARMACEUTICALS HOLDINGS, INC. (collectively, "AMS"), file this Notice of Removal of the above entitled and numbered cause to the United States District Court for the Western District of Texas, San Antonio Division, pursuant to 28 U.S.C. §§ 1441 and 1446.

THE REMOVED CASE

1. Dolly Chaffin, along with 24 other plaintiffs (hereafter "Plaintiffs"), filed this civil action against AMS on September 13, 2013 in the 131st Judicial District Court in Bexar County, Texas and which was assigned cause number 2013-CI-14841. The 131st Judicial District Court and Bexar County are within the San Antonio Division of the Western District of



Texas and removal to this Court is therefore proper pursuant to 28 U.S.C. § 124(a)(1); 28 U.S.C. § 1441(a).

2. AMS has not yet been served with a copy of Plaintiffs' Original Petition. This Notice of Removal is filed within 30 days of AMS's receipt of the initial pleading setting forth the claims for relief upon which this action is based, and removal is therefore timely pursuant to 28 U.S.C. § 1446(b).

DIVERSITY JURISDICTION EXISTS

3. This action is a civil action over which this Court would have original jurisdiction under 28 U.S.C. § 1332, and is removable to this Court under 28 U.S.C. § 1441(a) in that it is a suit between citizens of different states in which the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, as more completely described hereafter.

4. Named Plaintiff Dolly Chaffin is now, and was at the time this action was commenced, a resident and citizen of the State of Texas. Petition at ¶ 3. The additional Plaintiffs are, at the time of removal, individual residents and citizens of the States of Texas, Arkansas, Alabama, Arizona, California, the District of Columbia, Florida, Georgia, Louisiana, Michigan, Oklahoma, Tennessee, and Virginia. Petition at ¶¶ 4-27. No Plaintiff purports to be a resident and citizen of the same state as any named Defendant. 28 U.S.C. § 1332(a)(1).

5. American Medical Systems, Inc. is a wholly owned subsidiary of American Medical Systems Holdings Inc., which in turn is a wholly owned subsidiary of Endo Pharmaceuticals, Inc., which is a wholly owned subsidiary of Endo Pharmaceuticals, Inc., which is a wholly owned subsidiary of Endo Health Solutions, Inc.

6. American Medical Systems, Inc. is a Delaware corporation with its headquarters and principal place of business in Minnetonka, Minnesota.

7. American Medical Systems Holdings Inc. is a Delaware corporation, with its principal place of business in Minnetonka, Minnesota.

8. Endo Pharmaceuticals, Inc. is a Delaware corporation, with its principal place of business at 100 Endo Boulevard, Chadds Ford, Pennsylvania.

9. Endo Pharmaceuticals Holdings Inc. is a Delaware corporation with its principal place of business at 100 Endo Boulevard, Chadds Ford, Pennsylvania.

10. Endo Health Solutions Inc. is a Delaware corporation with its principal place of business at 100 Endo Boulevard, Chadds Ford, Pennsylvania.

11. According to Plaintiffs' Original Petition, none of the named Defendants are citizens of any state of which any Plaintiff is a citizen. Petition at ¶¶ 28-41.

AMOUNT IN CONTROVERSY

12. Complete diversity of citizenship exists in this action under 28 U.S.C. § 1332(a) because Plaintiffs are not citizens of any state in which any Defendant is a citizen. Further, this action is removable because none of the Defendants are citizens of the state in which this action was commenced. *See* 28 U.S.C. § 1441(b).

13. Though the Petition fails to allege damages in a specific amount (despite Texas Rule of Civil Procedure 47's directive that a party must allege a certain amount of monetary relief), the Petition does allege facts that establish that the amount in controversy in this action exceeds \$75,000. Where there is no specific damage amount alleged, the district court must "examine the complaint to determine whether it is facially apparent that the claims exceed the jurisdictional amount." *St. Paul Reinsurance Co. Ltd. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998) (internal quotations omitted); *see also Lockett v. Delta Airlines, Inc.*, 171 F.3d 295, 298 (5th Cir. 1999) (finding it facially apparent that plaintiff's claims exceeded \$75,000 where

plaintiff alleged property damage, travel expenses, an emergency ambulance trip, a six day hospital stay, pain and suffering, humiliation, and temporary inability to perform housework).

14. While the Plaintiffs did not specifically plead the damages that they seek in the Petition, each of the 25 Plaintiffs (including the Named Plaintiff) claims to have sustained “pain and suffering, mental anguish, emotional distress, disfigurement, physical impairment, embarrassment and humiliation, psychological injury, a reasonable and traumatic fear of an increased risk of additional injuries, progression of existing conditions and other serious injury and loss.” Petition at ¶ 106. They seek damages for “past and future lost wages and lost earning capacity,” “past and future medical expenses,” “past and future disfigurement, physical impairment, mental anguish, pain and suffering.” *Id.* at Prayer. In short, the Plaintiffs’ allegations are of the same type that the *Luckett* court found to plainly state a claim in excess of \$75,000.

15. Additionally, on February 7, 2012, the Judicial Panel on Multidistrict Litigation created an MDL Court entitled *In re American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation*, MDL No. 2325, in the United States District Court for the Southern District of West Virginia, for coordinated pretrial proceedings of cases sharing common questions of law and fact with those plead by Plaintiffs here. The instant action is one of thousands of cases filed against AMS that have been filed in or removed to federal courts throughout the country, many of which allege defects in and damages related to these types of implantable mesh medical devices. All of these cases have either been found to exceed the jurisdictional threshold of \$75,000, or the jurisdictional amount was never in question.

16. Finally, each Plaintiff seeks to recover punitive damages for Defendants’ alleged “willful, despicable, fraudulent, malicious, oppressive, reckless, and conscious disregard for the

rights of Plaintiffs and the public.” *See id* at ¶ 182. The Fifth Circuit has held that a request for punitive damages in itself may, under certain circumstances, support a finding that it is “facially apparent” the amount in controversy exceeds the threshold amount. *See Allen v. R&H Oil & Gas Co.*, 63 F.3d 1326, 1336 (5th Cir. 1995).

17. Thus, although AMS denies any liability for Plaintiffs’ alleged injuries and damages, it is evident from the face of the Petition that the amount in controversy exceeds \$75,000, excluding interest and costs. See 28 U.S.C. §1332.

PROCEDURAL REQUIREMENTS

18. Plaintiffs have demanded a jury trial.

19. In accordance with 28 U.S.C. § 1446(a), copies of all processes, pleadings and orders filed in the state court case are attached hereto as Exhibit “A.”

20. Contemporaneously herewith, AMS is filing a Notice of Filing of Notice of Removal in state court; a copy of the Notice to be filed in state court is attached hereto as Exhibit “B.”

WHEREFORE, AMS requests that the United States District Court for the Western District of Texas, San Antonio Division, accept this Notice of Removal and assume jurisdiction of this cause.

Respectfully submitted,

By: /s/ Michael D. Napoli
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COUNSEL FOR DEFENDANT AMERICAN
MEDICAL SYSTEMS, INC. AMERICAN
MEDICAL SYSTEMS HOLDINGS, INC., ENDO
PHARMACEUTICALS, INC., and ENDO
HEALTH SOLUTIONS, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Removal has been forwarded to counsel for Plaintiffs, by certified mail, return receipt requested, this 19th day of September, 2013.

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J. Steve Mostyn
THE MOSTYN LAW FIRM
3810 West Alabama Street
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713-861-6616
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/s/ Michael D. Napoli
Michael D. Napoli

3:13-cv-00357-KC Martinez et al v. American Medical Systems, Inc. et al

Kathleen Cardone, presiding

Date filed: 11/08/2013

Date terminated: 11/25/2013

Date of last filing: 11/25/2013

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Assigned: 11/13/2013

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ATTORNEY TO BE NOTICED

representing

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(Defendant)

Johnson & Johnson

(Defendant)

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Althea Truitt

(Plaintiff)

Angela Platner

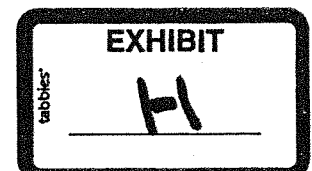
(Plaintiff)

Anna Boccuti

(Plaintiff)

Annette Richard

(Plaintiff)



Armatha Woods
(Plaintiff)

Barbara Benigno
(Plaintiff)

Barbara J. Jean
(Plaintiff)

Barbara Smith
(Plaintiff)

Beth Ball
(Plaintiff)

Betty Rounds
(Plaintiff)

Brenda Bishop
(Plaintiff)

Brenda Carter
(Plaintiff)

Brenda McNutt
(Plaintiff)

Cheri Gillis
(Plaintiff)

Chloe Cornell
(Plaintiff)

Christina Gribble
(Plaintiff)

Christina Smith
(Plaintiff)

Colleen Canizares
(Plaintiff)

Danielle Solorzano
(Plaintiff)

DeAnn Watkins
(Plaintiff)

Dena Whited
(Plaintiff)

Denise Williford
(Plaintiff)

Diane Sullivan
(Plaintiff)

Dorothy Giannaris
(Plaintiff)

Edwena Kees
(Plaintiff)

Eula Barton
(Plaintiff)

Eunice Scott
(Plaintiff)

Eva Renteria
(Plaintiff)

Evelyn Turner
(Plaintiff)

Gail Browalski
(Plaintiff)

Gloria Martinez
(Plaintiff)

Gloria Thwaits
(Plaintiff)

Helen Burchfield
(Plaintiff)

Helen Jacobus
(Plaintiff)

Helen Lampley
(Plaintiff)

Hilary Harris
(Plaintiff)

Jacqueline Lopez
(Plaintiff)

Janet Kelly
(Plaintiff)

Jeannettea Coffman
(Plaintiff)

Jennifer Palmer
(Plaintiff)

Jo Hutchinson
(Plaintiff)

Judith Moss
(Plaintiff)

Judy Farris
(Plaintiff)

Karen Minnema
(Plaintiff)

Karen Sanderson
(Plaintiff)

Kari Blunda
(Plaintiff)

Kellie Klesel
(Plaintiff)

Kerri McEntire
(Plaintiff)

Linda West
(Plaintiff)

Lora Featherston
(Plaintiff)

Lori Nelson
(Plaintiff)

Lydia Blinkinsop
(Plaintiff)

Lynn Dressler
(Plaintiff)

Mabel Mead
(Plaintiff)

Machelle Buckles
(Plaintiff)

Madeline Fatteross
(Plaintiff)

Maria Montano
(Plaintiff)

Marianne Ali
(Plaintiff)

Mary Aplaca
(Plaintiff)

Mary Scanlon
(Plaintiff)

Mary Anne Martin
(Plaintiff)

Mikki Heehn
(Plaintiff)

Nancy Locklar
(Plaintiff)

Nancy Stickler
(Plaintiff)

Norma Atwood
(Plaintiff)

Pamela Bart
(Plaintiff)

Patricia Clark
(Plaintiff)

Patricia King
(Plaintiff)

Paula Schaefer
(Plaintiff)

Peggy Chafart
(Plaintiff)

Phyllis Long
(Plaintiff)

Regina Johnson
(Plaintiff)

Rhonda Allen
(Plaintiff)

Rosemary Pearce
(Plaintiff)

Rosemary Ventura-Parris
(Plaintiff)

Samantha Beyer
(Plaintiff)

Sharon Bortz
(Plaintiff)

Sharon Kowalski
(Plaintiff)

Shelley Moen
(Plaintiff)

Shelly Holman
(Plaintiff)

Sherry Wright
(Plaintiff)

Shirley Ball
(Plaintiff)

Terri Matney
(Plaintiff)

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Barbara Benigno

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Transaction Receipt		
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PACER Login:	st0033	Client Code:	20730.1
Description:	Attorney List	Search Criteria:	3:13-cv-00357-KC
Billable Pages:	22	Cost:	2.20